

Department of Environmental Protection and Resource Management
105 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No.71676

William B. Feehley

40 Bank Spring Court

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on January 12, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-309, failure to clean dog feces on a daily basis on residential property known as 40 Bank Spring Court, 21117.

On December 22, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector David Kirby issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$500.00 (five hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on December 3, 2009 for daily removal of dog feces. A Citation was issued on December 9, 2009; the Hearing was scheduled for December 22, 2009 but was canceled by the Inspector after Respondent sent a letter requesting a delay. This Citation was issued on December 22, 2009.

B. Notes in the file from Inspector Kirby state that his initial inspection on December 3, 2009 found dog feces scattered in the back yard of this residence. Re-inspection on December 9, 2009 found no improvement, and a Citation was issued. Re-inspection on December 18, 2009 found the back yard full of new and old dog feces. Photographs in the file show numerous piles of dog feces.

C. Notes in the file from Inspector Kirby further state that he telephoned Respondent to discuss his letter and was advised that Respondent cleans up the rear deck but does not clean up the yard. Inspector Kirby advised that he had not viewed the deck and that the County's notices are being issued for uncollected feces in the yard. Re-inspection on January 11, 2009 found no improvement. Photographs in the file show numerous piles of dog feces in the yard.

D. Failure to clean up dog feces violates prohibitions against accumulation of garbage on residential property, and creates food for rats. Respondents must clean up the dog feces on a daily basis. BCC Section 13-7-309, Section 13-7-310. Collected feces must be properly stored in the same manner as garbage, in waterproof cans with tight-fitting lids. BCC Section 13-4-201.

E. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by February 10, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 25th day of January 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer